

City of Coral Gables City Commission Meeting
Agenda Item E-4
March 11, 2008
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Slesnick Donald D. Slesnick, II
Vice Mayor William H. Kerdyk, Jr.
Commissioner Maria Anderson
Commissioner Rafael "Ralph" Cabrera, Jr.
Commissioner Wayne "Chip" Withers

City Staff

City Manager, David Brown
City Attorney, Elizabeth Hernandez
City Clerk, Walter J. Foeman
City Clerk Staff, Billy Urquia
Walter Carlson, Planning Department
Eric Riel, Director of Planning Department
Carlos Mindreau, City Architect

Public Speaker(s)

Roney Mateu, Mateu Architecture, Inc.
Marcello Fernandez, Property Owner

E-4 [Start: 11:53:04 a.m.]

Resolution of the City Commission of Coral Gables approving a mixed use (MXD) site plan for the proposed mixed use project referred to as "4311 Ponce", located on property legally described as Lots 38-43, Block 5, Industrial Section (4311 Ponce de Leon Boulevard), Coral Gables, Florida; as set forth in Application No. 01-08-043-P; subject to certain conditions. (Planning and Zoning Board Vote: 5-0)

Mr. Carlson: Good morning, for the record, Walter Carlson, Planning Department; I have a brief PowerPoint presentation for you this morning to introduce the project, if they would bring the PowerPoint presentation up, thank you. This project is commonly referred to as 4311 Ponce Building, the applicant is requesting a site plan review of a proposed mixed use or MXD project; the Planning and Zoning Board provides a recommendation for all MXD site plans to the City Commission. The proposed MXD site plans are adopted by resolution which requires only one public hearing for the City Commission. The property is located in the north MXD industrial district; this is the first proposed MXD project submitted under the recently adopted Zoning Code provisions, those provisions allow a minimum MXD site area of ten thousand square feet (10,000 sq. ft.) within an approved MXD District; outside District MXD projects require twenty thousand square feet (20,000 sq. ft.) sites. The property adjoins the City of Miami, which allows for ten story, one hundred and twenty foot height commercial industrial development

immediately adjacent to the east. The proposed project is a seven story structure consisting primarily of commercial office use; there is ground floor retail of four live/work residential units within the project; there are one hundred and eighty-two (182) parking spaces, which are twenty-four (24) more than required by Code, of the one hundred and eighty-two (182) parking spaces eighty-three (83) are mechanical lift; all vehicle access within the building is provided from the rear alley, and public streetscape improvements are provided along both Ponce and San Lorenzo Avenue.

Commissioner Cabrera: Mr. Carlson since you are on that screen, and I don't mean to interrupt your presentation, but I just – I saw parking spaces, and I appreciate that you have it up there as one of the main bullets. How many on-street parking spaces is this project going to eliminate?

Mr. Carlson: There will be no elimination of on-street parking; currently there are two metered parking spaces along San Lorenzo Avenue...

Commissioner Cabrera: Right.

Mr. Carlson: ...and those will remain, and they are both metered and they would remain.

Commissioner Cabrera: And there is nothing on Ponce?

Mr. Carlson: No, nothing along the front of Ponce.

Commissioner Cabrera: Just wanted to, you know, that's my pet peeve.

Mr. Carlson: Two existing and the two would remain.

Commissioner Cabrera: OK.

Vice Mayor Kerdyk: Can I ask a question since we are discussing parking? There is a hundred and eighty-two parking spaces in the overall project, of those eighty-two are mechanical, is that correct?

Mr. Carlson: Correct.

Vice Mayor Kerdyk: So that's not quite fifty percent.

Mr. Carlson: Eighty-three are mechanical.

Vice Mayor Kerdyk: That's not quite fifty percent, but let's say its forty-five percent, its getting close; where is the point of demarcation? - where is the point that you say, alright you know, so and so percentage is allocated toward mechanical and that's OK, but where is that threshold that you feel uncomfortable proceeding along with mechanical parking?

Mr. Carlson: Currently we looked at the preliminary zoning analysis which is prepared by the Building and Zoning Department to tell us if they meet the requirements of the Code, and

currently the Code, I do not believe addresses that percentage, it just says that mechanical parking shall be allowed towards required parking.

Vice Mayor Kerdyk: So in other words as long as you can make mechanical parking fit you can make a project fit because you are counting that just like any other parking space, correct?

Mr. Carlson: The Code doesn't address the maximum percent.

Mayor Slesnick: Up until now Bill, how many spaces have we seen in a garage?

Vice Mayor Kerdyk: Very few.

Mayor Slesnick: Normally what we've been doing is approving like four, five, six, maybe ten extra spaces in an accumulation of hundreds of spaces, I think that's what we did with Oscar Rogers, is like the extra spaces were mechanical for the restaurant parking.

Vice Mayor Kerdyk: I think we need – in my opinion I think we need to get our hands around how many mechanical parking spaces that we will allow in each project, because I perceive it as more difficult than pulling into a space, no matter how easy, and what ever, it becomes a lot more problematic because....

Commissioner Cabrera: Tell me how because I've been studying robotic parking for two years now and I'm not trying to be confrontational....this is, it has lifts...

Mayor Slesnick: But you have to put the car under the lift.

Commissioner Cabrera: Right, and then it moves up to the next level; but I really want to know because I want to get your impression so that I can be better prepared to advocate for this kind of parking.

Vice Mayor Kerdyk: You know, I'm not sure how we figure that out, but all I can tell you is that the parking spot is much more difficult to use when you are using the mechanical than just sliding into a parking space, and I think when you are getting close to fifty percent of the parking spaces that are needed in a project that are allocated toward mechanical parking which is the lift parking, then I start thinking we are getting a little too close to that threshold.

Commissioner Cabrera: Again, I'm not looking to fight with you, but I'm just wondering have you ever utilized one of these?

Vice Mayor Kerdyk: I've seen them utilize, I haven't actually....

Commissioner Cabrera: Like in New York or Boston?

Vice Mayor Kerdyk: I've taken time to be very frank with you, to go over and explore with it with a parking representative that all they do is sell these lifts to people. Now, there are several lifts, there is just one lift, there is like a multitude of lifts, I've gone over to Miami Beach, taken

out of my time to go over to Miami Beach to study condominium units there where they actually have these multitude of lifts there, and they work some, but again it becomes an issue when you are approaching fifty percent of your parking as....

Commissioner Cabrera: And you are not concerned is has to do with things like stacking and ease of use.

Vice Mayor Kerdyk: Will the people actually use them, and....

Mayor Slesnick: Do I have it wrong?- this is different from mechanical the parking that you're talking about....

Commissioner Cabrera: It's really not.

Mayor Slesnick: Well, no this one is, you have to move one car – once you lift the car a car parks beneath, and once that car parks beneath it you can't bring the other car down.

Vice Mayor Kerdyk: Exactly. So then you have to have somebody remove that car and take it out.

Commissioner Cabrera: There are queues, there are queues that move them.

Vice Mayor Kerdyk: Again, when you are talking about ten....

Mayor Slesnick: No, no, that's the thing, there's no movement of....its a simple lift.

Vice Mayor Kerdyk: No, in this particular case they are stacking.

Mayor Slesnick: It's a simple lift.

Commissioner Cabrera: But then you have a queue if you need to get your vehicle back, there is a queue which they work with to bring your vehicle back.

Vice Mayor Kerdyk: I think you have to move out the....explain to me.

Mr. Riel: If you want I can elaborate a little bit. When we talked about this during the Zoning Code re-write, we didn't put a percentage in because we wanted to look at the type of uses, and there are operational requirements in terms of delivery rate of five minutes in the Code, so that's why we didn't get into seventy-five percent may be permitted. When we evaluate projects we felt that the spaces that are on the first level are available to retail only, that's why we put that condition on there, so staff is comfortable with the percentage that we have, but if it was a residential building, I guess that staff will probably suggest a lower percent of those be allocated towards, it really depends on the mixed use.

Mayor Slesnick: Answer a question; we have Commissioner Cabrera speaking about a mechanical garage that moves....

Commissioner Cabrera: Don, I may be totally....

Mayor Slesnick: I'm saying that moves cars around mechanically...

Mr. Riel: This is not that type.

Vice Mayor Kerdyk: This is not that type.

Mayor Slesnick: This is where you drive on, pull it up, and another car parks beneath it.

Mr. Riel: Yes.

Mayor Slesnick: To get this car down you have to back this car out...

Mr. Riel: Yes.

Mayor Slesnick: ...or smash the car, one of the two.

Vice Mayor Kerdyk: Let me tell you...let me you...let me answer...Eric, Eric...let me answer how other people are using this structure; they are using it – here's what they do: there are a couple structures that have it here in the City of Coral Gables, and what they do is they assign a person that is involved in the building, whether a secretary, or whatever depending on it, that person has to come out and get the car out of there to let the other car down, it becomes a logistics nightmare, just for a building that has three or four of them. Now, when you have eighty-four of them, and again I'm not picking on this building whatsoever, I'm just trying to conceptually understand this, and where the point of demarcation is, the fact is, I think, its going to become a real issue, and we're, I think, treading on an interesting situation; I really think that we have to look harder at this whether its with this building or other buildings maybe other buildings from this point forward, but I do think we have to deal with this concept.

Commissioner Cabrera: You know why I agree with you, we've made such a big deal or some people has made such a big deal about robotic parking that we've had a special workshop to inform and educate us, and before we went forward, and we may not even be going forward on this thing, and now that I understand the differences, and I understand that this is a lot less user-friendly or potentially less user-friendly than robotic parking, I would share the same concerns.

Vice Mayor Kerdyk: It's a problem.

Commissioner Anderson: Let me ask a question based on some of the things we're concerned about, does this help reduce heights of buildings?

Mr. Riel: Yes it does.

Commissioner Anderson: OK. That's one of the concerns.

Mr. Riel: That's a provision that's a requirement to allocate.

Commissioner Anderson: Would we consider putting some type of provision that, and maybe its also technically different, it maybe technically dictated on these kind of scale projects, because these are smaller scale where there is more control, there is not like a high rise massive building, is there a thought process that would lean us towards allowing these mechanical lifts, and buildings such as this which have a smaller footprint, smaller population, that have more control over how people get in or out, is there a thought process to that?

Mr. Riel: In terms....I'm not sure I understand.

Commissioner Anderson: To moving towards...I think Vice Mayor Kerdyk was looking for some type of guideline as far, you know, where we are going to draw the line, what are we going to do, and my thought process was I support this, the concept of mechanical lifts and I think, maybe there – and I'm asking for direction because I don't know the technical part; would it be somewhere where we could set some guidelines where smaller footprinted buildings depending on certain requirements, you know, things like that. Is there a thought process towards that?

Mr. Riel: We could certainly do that, but when we did the abatement issue as part of the Zoning Code re-write, we specifically didn't put percentages in.

Commissioner Anderson: And I remember that, but I'm just asking if there was any additional consideration given afterwards, now that you've got the experience of one building in process.

Mr. Riel: Actually, if you remember that North Ponce study that we are doing, we're actually looking at coming up with some very ingenious ways of looking at automated parking as part of that study. We were looking at it further.

Commissioner Anderson: OK, great, and I just want to see if we are going in that same direction.

Mayor Slesnick: Can I ask you about the height?- we are talking...what were we talking about when we were talking about the sixteen story mixed used buildings on Andalucia, we were talking about what height?

Vice Mayor Kerdyk: Eight stories.

Mayor Slesnick: No, they were not eight, they are thirteen stories.

Vice Mayor Kerdyk: On Andalucia they were eight floors.

Mr. Riel: They were eight.

Mayor Slesnick: No, the mixed use building parking garage, the parking garage that we laid a bid on...

Commissioner Withers: Ninety-seven feet.

Vice Mayor Kerdyk: They are ninety-seven feet.

Commissioner Withers: They were approved to go the one hundred and five.

Mayor Slesnick: But they weren't nine stories.

Vice Mayor Kerdyk: They were doing ten stories, but they were keeping it within a certain height limitation, which was ninety-five feet.

Commissioner Withers: I think we allowed eight floors or something.

Commissioner Anderson: Are we talking about where the Palace is or the other one?

Mayor Slesnick: No, the other two that we didn't precede.

Commissioner Anderson: That's what I thought.

Vice Mayor Kerdyk: And by the way I'd like to point that out the Mayor makes a very good point; that this project is ninety-five feet six inches, so I don't know how much its saving by doing these parking spaces other than allowing him to meet the parking requirements, but let me tell you something, this is not a small building here, this is right up at the threshold that we are talking about, so what I see as far as this parking is just allowing them to build their structure, which is OK, its understandable, that's fine; but I have a concern with the amount of these things; I don't mind five or ten of them or whatever it is, but when you start getting eighty-five or forty-five percent of them.

Mayor Slesnick: What we were getting to and what you said, and what Maria was talking about is that so that what we are not doing is we are not bringing down the height, we are just allowing more usable office space, so that by....

Mr. Riel: One hundred and twenty five feet.

Commissioner Anderson: It actually could go higher.

Mayor Slesnick: It could go a hundred and twenty-five feet.

Vice Mayor Kerdyk: A hundred and twenty five feet.

Mayor Slesnick: How is that, how is that, I'd like to know how that is.

Mr. Riel: Walter has that as part of his presentation.

Mayor Slesnick: Well just tell us right now.

Mr. Riel: Am I wrong or am I correct?

Mr. Carlson: What they are doing is they have applied for a level one, which allows them to go an extra story of height, which allows them to go from six stories to seven stories; they are getting the additional twelve feet, and that allows them to go to eighty-three and a half feet in height, maximum height; they are getting an additional twelve feet as a penthouse and that's only allowed for twenty-five percent of the roof area.

Vice Mayor Kerdyk: Under the Mediterranean bonus is what you are saying.

Mr. Carlson: Right – they are only getting level one, they are not getting the full bonus; they are not getting the full two floors, they are not getting the full point five FAR, they are only getting a point two FAR.

Mayor Slesnick: And this has been given Mediterranean bonuses?

Mr. Carlson: Yes it has; its gone to the Board of Architects and its been reviewed and award point two five....

Vice Mayor Kerdyk: It's getting point two of the point five level one.

Mr. Riel: Level one bonus.

Mayor Slesnick: Who is the principal behind this building?

Mr. Carlson: Excuse me?

Mayor Slesnick: I read my package; I couldn't really determine who was the principal that's building this building; I saw who the architect is, but I didn't....

Mr. Carlson: The applicant is here and he'll be able to....

Mayor Slesnick: Just tell me.

Mr. Carlson: I'd have to look into it.

Mayor Slesnick: Every time we build buildings in this town we talk about our trust our confidence and principals behind the building, and who they are and what they are bringing to us.

Mr. Carlson: You wait one second I will get that.

Mayor Slesnick: It's like undercover.

Mr. Carlson: No, not at all, we just don't put the application in with the package that goes forward to you.

Mayor Slesnick: It's in this package?

Mr. Carlson: It's not in your package, it's in the application we receive, we are getting the copy of that and that will have the name.

Vice Mayor Kerdyk: I think the residents of the City of Coral Gables and...

Mr. Carlson: Can I finish my presentation while we are waiting for that? Thank you. Again, the public streetscape improvements provided along both Ponce and San Lorenzo Avenue; staff found that the application is consistent with the Comprehensive Plan's goals, objectives and policies; the project satisfies the Zoning Code's MXD and site plan review provisions and requirements; it satisfies the MXD objectives and promotes a walkable pedestrian environment; there are no variances being required with this application; there are twenty-four additional parking spaces provided and the applicant has addressed all the City departments comments. The Planning and Zoning Board recommended approval of the proposed MXD project with the following conditions, that thirty designated parking spaces be provided for the retail customers; that no garage gates or similar devices be installed through strict on site parking within the building; a sale or leasing the parking spaces shall be prohibited; the applicant shall provide signal timing analysis for the pedestrian cross-walk at Ponce and Bird Road intersection; the required minimum ten percent on site landscaping shall be confirmed when the final zoning analysis prepared by the Building and Zoning Department; and finally the proposed gym facility shall be tennis, residents, and guests of the building.

Mayor Slesnick: Can you go back to the previous slide please? Explain to me number two and number three, I don't understand that.

Mr. Carlson: Number two is make sure no gates on the site plan which would restrict the customers...

Mayor Slesnick: Are we talking about the retail thirty spaces? Are we talking about the whole building?

Mr. Carlson: The whole building.

Mayor Slesnick: No, wait a minute; I'm going to lease an office in this building and I'm not going to be able to have a parking space?

Mr. Carlson: This only restricts – this is only regarding the gates to enter and exit the building, so there can be no gates which would restrict people from being able to enter an exit the building.

Mayor Slesnick: Walter, I know that.

Commissioner Withers: You might have a gate inside of the garage.

Vice Mayor Kerdyk: Yes, once you get....

Mayor Slesnick: That's what I'm saying, beyond the thirty spaces there is control of the...

Mr. Carlson: They could possibly have a gate.

Mayor Slesnick: OK, and then there is a sale or leasing shall be prohibited, is that the thirty spaces?- are we talking about the spaces that....

Mr. Carlson: All the spaces within the building.

Mr. Riel: Sale or lease for outside parties.

Mr. Carlson: Outside parties – people that...

Mayor Slesnick: Well that's not what it....

Mr. Riel: These are only abbreviated, the condition is very specific in terms of that.

Mayor Slesnick: Well, that's what we are being given is an abbreviated version so I have to understand it; the abbreviated version I don't understand...are you saying that only people within the building can lease or purchase parking spaces?

Mr. Carlson: Correct.

Mayor Slesnick: Thank you.

Mr. Carlson: Nobody from outside the building.

Mayor Slesnick: Thank you.

Mr. Riel: The owner is 64 Development Corp., Marcello Fernandez, Vice President, list the address as 4311 Ponce de Leon Boulevard.

Mr. Carlson: The applicant is here.

Vice Mayor Kerdyk: Well, I have a question for you before. Is this the first applicant or really the first application in our new ordinance that we passed recently with regards to bringing down the lot size from two hundred feet?

Mr. Carlson: That's correct.

Vice Mayor Kerdyk: And this piece of property is what – how big is this piece of property?

Mr. Carlson: Fifteen thousand square feet (15,000 sq. ft.).

Vice Mayor Kerdyk: So it's a hundred and fifty feet across Ponce and one hundred feet back, so fifteen thousand square feet. How tall a structure could you have built before this ordinance was passed there?- forty-five feet?- is it three floors, forty-five feet?

Mr. Carlson: I don't believe it would qualify as a high rise building site because you would require two hundred feet of frontage and twenty thousand square feet.

Vice Mayor Kerdyk: So what would it have been?- forty-five feet?

Mr. Carlson: Whatever is allowed by the provision of the Code, which I believe is three stories, forty-five feet.

Vice Mayor Kerdyk: And this is ninety-five point six feet, right?

Mr. Carlson: That's correct.

Vice Mayor Kerdyk: Thank you.

Mayor Slesnick: Walter, let me preface my question with a statement; my statement is that this is a very interestingly designed building, and the architects have designed something that certainly makes a statement and different; I would like a description of what the Board of Architects found Mediterranean about this to give the bonus. I have not found that in my file either. We were told, oh yes, the Board of Architects approved for level one, I'd like to know the specifics of what level one applications they found here.

City Manager Brown: Carlos.

Mr. Mindreau: Mayor, Commissioner if I could just read a little bit of level one, Article C of the Code it says, "level one bonus standards for all types of architecture.

Commissioner Anderson: That's what I thought.

Mayor Slesnick: Wait a minute, excuse me, we have Mediterranean bonus that we give without referring to Mediterranean.

Mr. Mindreau: Yes, it's a two level system.

Mayor Slesnick: I understand it's a level system, but to get into the Mediterranean bonus wouldn't it require it to have some Mediterranean context?

Mr. Mindreau: For the level two.

Mayor Slesnick: And I'm looking for some architect that is better trained than I am to give me that context.

Mr. Mindreau: To read it...

Mayor Slesnick: And I'm not asking...listen you didn't write it.

Commissioner Anderson: I think what we approved was that; when we approved the Mediterranean it was two levels and one of them was allow architecture...there are features, there are amenities; and then when you get into level two you have interials.

Commissioner Withers: Its overhangs, its covered walk ways....

Mr. Riel: The Mediterranean components were broken down into two levels; level one you got a point two bonus and there was certain criteria you needed to meet, basically table one; if you wanted an additional point three to get to the point five it was a table two which you had to meet additional criteria. This applicant has pursued level one bonuses, it is the first time I believe since we worked on the Mediterranean in 2004... come forward with just a level one bonus.

Mayor Slesnick: Thank you. Now in my packet where am I going to find where they have met those criteria; I'm looking desperately to find each criteria and how they met it. Now I take it the Board of Architects made that review and I can't find it, and I would think its important for me as a voting member of this Commission to know that I'm voting properly on level one bonuses, that's all, that's all I'm asking.

Mr. Riel: We have never provided that information in terms of how the bonuses are awarded.

Mayor Slesnick: Well maybe I've never looked for it before, I'm now looking.

Mr. Riel: Mr. Mayor, we typically do not provide that information as a part of the review.

Commissioner Withers: For recollection, what are the level one criteria has to be, and that might resolve, we can look at the building...there were elements I think.

Mr. Riel: Yes, there were certain elements we had to....there was a table we had to meet....I got it here somewhere in all these papers.

Mr. Mindreau: Table one Mayor, if I might, it says the elements are architectural elements on building façade; similar exterior architectural relief elements shall be provided on all sides of all buildings, for example.

Mayor Slesnick: Wait, let's stop right there. What are the elements of architectural relief that are evident on the four sides of this building?

Mr. Mindreau: Well, unless not applicable by City Code, fire, life and safety issues...

Mayor Slesnick: OK, we have one blank wall looking north, what is the similar architectural feature, the one blank wall looking north?

Mr. Mindreau: It's an alley and it requires – fire doesn't allow penetrations on property line adjacent to an alley or adjacent property.

Mayor Slesnick: It doesn't allow windows?

Mr. Mindreau: No. It does not allow any penetration unless they meet certain code restrictions.

Mayor Slesnick: Wait a minute, wait a minute; we've got windows downtown on alleys.

Vice Mayor Kerdyk: Next door though, I think the Code it when its close right next to a building...

Mr. Mindreau: When its adjacent to another building or adjacent to the public right-of-way, I believe there is a set-back and I'm not a Code specialist, but there is a set-back requirement before you can actually put any penetration on a property line of that, that is adjacent to an alley.

Vice Mayor Kerdyk: See, on a two hundred foot structure, when you get up so much they set-back, is that correct?

Mr. Riel: After forty-five feet.

Vice Mayor Kerdyk: After forty-five feet. See the problem is in this Code we are allowing them to build straight up to the lot line and straight up, is that correct, or no? If its not correct, tell me why its not correct.

Mr. Mateu: Good afternoon, my name is Ronny Mateu, Mateu Architecture, 18001 Old Cutler Road, I'm the architect for this project; I am excited to here in the Commission and frustrated to be here in the Commission at the same time. This process has taken an inordinate amount of length that my client presented this project back in April being submitted, and here we are in the Commission finally.

Commissioner Cabrera: April of 2007.

Mr. Mateu: You had a discussion about the set-backs; when you have a piece of property that is at the property line....

Mayor Slesnick: Excuse me, one second, you wouldn't be here at all unless this Commission had adopted a new ordinance allowing something that was never allowed before in the City of Coral Gables, OK, so maybe its taken a long time because we've never done this before.

Mr. Mateu: I appreciate....

Mayor Slesnick: Maybe some of our frustration is because we've never done this before.

Mr. Mateu: Thank you, fair enough.

Mayor Slesnick: And I wanted to say since we have the architect up here repeat something, I'm doing it for Mrs. Anderson sake because Mrs. Anderson and I while we agree on many things disagree on some, and I want you and her to know that I find much of this building very entertaining architecturally and very different; my anxiety is over bonuses we give for certain

types of things, and if we give them for certain types of things I need to assure myself that they meet those certain types of things, that's all.

Mr. Mateu: Fair enough, and my role as the architect to design this building is to one, meet the Code as we understand, and as we had struggled through it and having been the first one of this new version of the Code its been almost a learning process along with the City as we move forward, but I want to be very clear that we have not asked for any special treatment, we have not received any special treatment, we are not asking for any variances, we are doing only what we are allowed to do in this Code, and only what we have been interpreted by your staff that we are allowed to do. We didn't write the bonus standards, we didn't set up the tables, we are following them, and Mediterranean bonuses however you want to word it is more than just what something looks like, and I believe that is the intent of why this is broken down into two parts. If you want something to look like another historic building that you have, wonderful examples of here in the City like this building we are in, that's where you get the additional bonuses on table two; table one is mostly about things and spaces and does not necessarily specify a look or a fashionable treatment of a building; it is about habitable space, it is about human scale, it is about set-backs at certain points, its about continuity of the block, its about all of those things and does not necessarily say that an arch has to be in front of the building, or an arch has to be rounded, because we interpret; our building is full of arches if you will, as we interpret as architects because it has nothing to do with if it has a curve or not, it has to do with the spacing of columns, the spacing of the height of beams etc., and the impact that we try to achieve here in this building is one that interprets the Code that you have written and meet it, and otherwise the Board of Architects would have not given us the points, and we are talking about point two of FAR, but the answer to the original question, if a building is built at the line – at the property line, which we are on the north side, you are not allowed by Code to have any punctures, any openings on it because you are at the property line demarcation of another project. Eventually, since this is the first building on this block, eventually I believe the intent of this Code and the Zoning opportunities that are created here is to create a whole street front of buildings, hopefully they will all be different, they are not all going to have arches, and they are not all going to look like that.

Vice Mayor Kerdyk: Can I interject? I don't think that was the answer to my question; my question was, listen to me closely, on a two hundred foot frontage which was our Code before, we have step-back requirements, so that means you go up forty-five feet you come in and you can see it from the building right behind you, there is a step-back requirement, as I understand, I could be totally wrong, I'm not an architect by any means; my question was on this building there's no set-back requirement, is there a set-back requirement or no?

Mr. Mateu: Yes, there is.

Vice Mayor Kerdyk: Explain to me, explain to me.

Mr. Mateu: In the bigger properties as you referred to the two hundred foot, there is the opportunity to set-back on all sides, for example the building you referred to has streets in the back, alleys, and streets in the front, OK, so that building has the opportunity because of the two hundred foot dimension of property, to step-back on all sides and go higher. We have the

opportunity to not step-back, and we have a smaller site, OK, and we are required by the Zoning Code to step-back on the front after the forty-five foot height, the front being Ponce de Leon Boulevard, on San Lorenzo the whole building is step-back fifteen, we are not even at the street level, which....

Vice Mayor Kerdyk: But on the side set-backs there is....

Mr. Mateu: On the alley side and on the property line that will not required a step-back.

Vice Mayor Kerdyk: I guess I was just trying to make a point, not so much your building but just a point in general that if you build on a bigger site you had set-back requirements and so you are able to build some windows on the side of the building because you are going to step-back and then you are going to go up and then you are going to have the opportunity. By building to the property line in this particular case, I agree a hundred percent, I deal with it every single day I've been dealing with it, and I understand the fact is there is a fire issue there and you cannot build there, so it was more of a statement; the statement is as follows: if you build on a bigger piece of property, which I always advocate, a bigger piece of property, you can step-back and then build that. In this particular case since we are building on a smaller piece of property you do not have the set-back when it abuts into another building and thus you have the blank wall concept because they don't have the availability, that's just a statement for the new ordinance, not a statement against this project here.

Mr. Mateu: And probably the owners of the property next door, unless they assemble some other, a number of stuff, they are going to be faced with the same thing; they are going to be worse off because they are going to potentially have two solid walls that are property line to property line, and then only have the ability for glass on the alley side or on Ponce.

Mayor Slesnick: Mr. Kerdyk's point is that we may be need to rethink...

Vice Mayor Kerdyk: And I can't judge because I have to look at – in this particular case you are meeting inside the guidelines, you are meeting the specifics and I have to look at your project differently; I'm just talking to the City Commission in general if we need to revisit this whole issue of building on a hundred and fifty foot lots knowing that this is exactly what's going to end up happening here, and maybe the concept is not, and again, I like your building, I think it's a very well designed building, I understand everything here we are discussing; this is more of a policy issue with regards to the overall policy than it is this particular discussion.

Mr. Mateu: I appreciate that; let me give you my opinion, if you are worrying about changing the ordinance because I also think – I would caution you as an architect and as a member of the general public that critiques and has an opinion about architecture, is that the whole idea of having a whole bunch of buildings that are connected let's say at the ground level which is intentionally why the forty-five foot height and the façade treatment....the great cities downtowns that you go to you'll see a variety of pieces, and the idea of the forty-five foot height is one that has everything to do with the scale of the pedestrian and the person that is driving by, that is why buildings when they step back they disappear almost by the angle, but to have a whole bunch of buildings next to each other that are like wedding cake designs, I would caution

this Commission to not necessarily go and force that route because that's not necessarily a good thing in a place like this.

Vice Mayor Kerdyk: But we are talking about here, if we ever did revisit it we would go back to the forty-five foot height limitations for the fifteen thousand square foot or ten thousand square foot building sites, and we would still allow of course the eight floor on a two hundred foot frontage, so what you are really doing in my opinion is that you are allowing density on property that normally would have forty-five foot structures on it, and I'm not so sure that having blank walls up and down Ponce is a great idea either.

Mayor Slesnick: You hadn't been here two years ago.

Mr. Mateu: That wouldn't happen though, that wouldn't happen; I think the Commission did the right thing in allowing small buildings to be built and to maximize the FAR that they possibly can because I think that it is a much more rich experience of a series of smaller buildings in a block like this one than a series of big buildings.

Vice Mayor Kerdyk: Here's where I make a dispute with you; I understand it, actually I really do understand the concept in the downtown area where you have the opportunity of getting that two hundred foot frontage and putting up a sixteen story structure, and if you take a portion of that and take a hundred and fifty feet and build an eight story building you do cut the massing, but here you have two hundred foot frontage, you are going to get an eight story box and now if you get a hundred and fifty feet or a hundred foot you make that same box, excuse the language box, in architecture I'm sure you don't like to hear that, but you are able to build within that envelope and to allow you to build within that envelope, we are allowing you to do the parking in there and put an exorbitant amount, in my opinion again this is not towards your project, you are doing everything within your guidelines, but this is policy, we are allowing you to put these parking spaces in to allow you to build the amount of parking in there that allows you to build the square foot.

Mr. Mateu: I'll make a deal with you, we'll reduce that percentage the thirty six percent only lifts, if we take out the twenty four additional parking that we provided the project above the requirement.

Commissioner Cabrera: Why did you – because I want you to educate me, why did you have to provide those additional twenty four spaces?

Mr. Mateu: We didn't, but....

Commissioner Cabrera: So why did you do it, so why did you do it?

Mr. Mateu: Our experience has been that this Commission prefers more parking than less...

Commissioner Cabrera: Yes.

Mr. Mateu: ...and I think, I personally believe that is going the wrong direction when you are encouraging mixed use buildings; what you ought to be doing is allowing people to build less parking, because what you do when you encourage – when you require or ask people to put more, you are not letting anybody make a decision to give up that car.

Commissioner Cabrera: To what?

Commissioner Anderson: But add that second component; you and I had that discussion during the break, but add the second component, take less parking but....

Mr. Mateu: Charge more money for it. To get people to stop using the car charge fifty dollars an hour.

Commissioner Anderson: Put a premium on it.

Commissioner Cabrera: Well, that's not reasonable, but I hear what you are saying, I hear your point, I hear your point.

Mr. Mateu: We are accustomed as a society here in South Florida and Miami in particular to depend everywhere we go on a car...

Commissioner Cabrera: That's because we have public transportation that "sucks".

Commissioner Withers: We have the trolley.

Mr. Mateu: But you guys have good transportation in the City of Coral Gables, and I believe that this building should be allowed to be built with less parking and then we wouldn't have to spend all the money that we are spending on lifts.

Commissioner Cabrera: It's an interesting – I mean I really appreciate the dialogue, its very interesting, thank you.

Mayor Slesnick: Well, I mean, the twenty four extra spots you are giving us could be twenty four lifts which you've already heard we were concerned about, get rid of twenty four lifts.

Mr. Mateu: Sure.

Mayor Slesnick: Because you are meeting the parking; I mean, remember when you say we like more parking, we do, but we set that in the Zoning Code, so if you meet the one hundred and fifty something spots that's what we like.

Mr. Mateu: What I'm saying is that when we analyze and prepare to design this building with three different uses that we have, the fact that we are having a mixed use building is forcing us to have more parking than we would have otherwise if you....

Mayor Slesnick: But you exceeded the parking requirement by twenty four is it, what is it?

Mr. Mateu: Twenty four.

Mayor Slesnick: OK, what I'm saying to you is there is no need to exceed it, we've already set limits that we think are appropriate, so when you meet it you make us happy as far as I know. So if you meet a hundred and fifty something spots and if that's what the Code requires for your mixed use building, what can I tell you.

Mr. Fernandez: If I may, I'm Marcello Fernandez, I'm one of the owners of the property....

Mayor Slesnick: Oh, the illusive owner.

Mr. Fernandez: Yes, the illusive owner, exactly. Actually not so illusive, our company the main contracting company is called Oxford Universal....

Mayor Slesnick: And by the way Marcello, that was directed to you, but I couldn't find you or anybody else in this package.

Mr. Fernandez: Well, it's a family run business; we've been residents and occupational license of Coral Gables since 1969; I reside at 390 Casuarina Concourse, I obviously own and reside in this building now, the current location. As we've been building here the family business over twenty five years, and we have built extensively in Coral Gables in the past, this is our first larger commercial project in the City. About the parking lifts – the concept behind this building is if it's a small boutique building, we will also reside in the building ourselves, our corporate headquarters. Brining along the location is an excellent, which I have now been using the trolley and the metrorail system, which I never used before because they are literally walking distance, a block and a half from the metrorail station there. So, constant to bring the kind of people that we are attracting to this building boutique setting, we are putting a gym for the residents inside; there is going to be concierge services for the building and so forth. The parking spaces we agreed with the retail use to be only street level for the ease of people to use it. Secondary, there is going to be office space above; and third it's a condominium concept, so to allow that condominium owner to be able to buy more spaces we are offering less on all those spaces. Now, how that person decides they want to do it if its their secretary or not, who is going to do the rotation that's up to them, we'll have building management services on board because we thought one concept was, if a resident – if a visitor comes to the site, a customer and parks in that space, and there is an employee of that business parking above them needs to leave for emergency services, we need to be able to get that car out and move out, so we are offering that plan just for our own security basis; number one, we can't control who comes on the site at all, you may come on the site, park there and not go to our building; so people that are coming on site are going to be leaving their keys on their for emergencies; if they want to come on the property and leave their keys there to be able to move their car in and out for emergency purposes only. There is no valet offered on the property at all, its going to be for management purposes just for that level. Now, for people above those services, its going to be a private space; if that office owner wants to – they decide how they want to use the lifts or not use the lifts. Well, we don't have the lifts for those additional twenty four spaces; I'm going to offer it

because it gives flexibility for the office owner there; I'm going to comply with the other spaces there.

Mayor Slesnick: If you got rid of the twenty four lifts you're still going to be then at one hundred and fifty spaces and sixty something lifts; Mr. Kerdyk's aggravation with that is still there because it's still a high percentage, so the twenty four extra lifts isn't really creating a different dynamic, if you got rid of twenty four lifts, brought it down to one hundred and fifty, you still have forty percent of the spaces.

Mr. Fernandez: I think also in this area of Coral Gables one of the biggest concerns has been real estate professionals, parking is always an issue; so we could have other – if we are not new construction, we'd be looking for spaces in municipal parking garage and renting spaces from other people to make current spaces work; this way we make our own current spaces work on our property without having to go to other parking garages or renting spaces from neighbors.

Mayor Slesnick: You know, and I've got to tell you something, I'm not sure I agree with the concept that the Planning and Zoning Board has annunciated although you may agree because maybe its lower cost to you, but I'm not sure; you know, we have in other buildings required people to have public spaces, however they have been public spaces at public rates and they are guard gated. I mean, you own the building, or others will own condominiums, whatever the building, and there will be retail that needs to be served by those parking spaces, and I would hate to see Merrick Village employees homestead in your parking spaces if you have no gates or no....I mean, I don't understand that to be honest with you, I'm not sure what the Board was getting at there, but it seems to me what we required of other people is public parking at public rates, that's what we've always asked, and of course if you want to waive the parking fee for a client or a customer that's your business to waive it.

Mr. Fernandez: That was not our idea; it was recommended by the Board to not close down that [inaudible]...if I want to put a gate in and lock down after hours, I should be allowed to do that. That whole concept of closing the garage down and not allowing access is not something we asked for, it came from the Planning Board.

Mayor Slesnick: I mean, there is a middle ground here; I would hate so see the public parking go away in the evenings because you decide you don't want to keep it open at six o'clock for some reason, but on the other hand our security in the City is based on each property being secure, and each property being safe and together we make a safe City, and I would hate to think there are going to be thirty covered parking spaces sitting there open for somebody to go in and camp out over night, and that bothers me.

Mr. Fernandez: The detailed section of that, you got the abbreviated version, does say we can lock after hours.

Mayor Slesnick: You can lock after hours.

Mr. Fernandez: Correct.

Mayor Slesnick: That does – how you going to lock?- there is no gate; you just can't use the gate during the day.

Mr. Fernandez: We can't restrict – what they don't want to happen is they don't want to have the retail customers not parking in our site, not having access to park on our site, that was the intent of that idea.

Mayor Slesnick: I appreciate that, but the retail customer can get stamped or something in the retail business and get out.

Mr. Fernandez: No, I agree with you – I have....

Mayor Slesnick: I don't know, it may be more expensive to actually have someone there to take, whatever; but that's something that I'm concerned with. Thank you. Carlos, we were in list of Mediterranean.

Mr. Mindreau: I'm sure that we could make it – if you want to go through the list we can, but I'm sure we can make the list available to you.

Mayor Slesnick: Well, is it a long list?

Mr. Mindreau: It involves as you were saying, the second item is architectural redevelopments at the street level and this particular building has a promenade or a colonnade at the street level on Ponce.

Mayor Slesnick: Carlos, before you – I think it's important for the public to hear what we are giving bonuses about.

Mr. Mindreau: I understand, it's lengthy, it's a twelve item....

Commissioner Anderson: I think a lot of the stuff that Mr. Mateu talked about, if I might interject, not all arches are rounded, not all windows are like what we see at the Biltmore or more traditional buildings, there you have fenestration and a more modern interpretation. So we are using a more liberal interpretation of fenestration, arches, pedestrian walk-ways, those are the kind of things that I think we are giving bonuses at a level of any architecture, is that correct.

Mr. Mindreau: That's correct. It's not necessarily a traditional....its a colonnade none-the-less.

Commissioner Anderson: Right.

Mr. Mindreau: As for bicycle storage, they have bicycle storage on site; item five is a building façade – if a façade is in excess of one hundred and fifty feet in length; this building is not an applicable situation since this building is not in excess of one hundred and fifty feet. The building lot coverage is no minimum or maximum building lot coverage is required which is evident here; drive through facilities is not an applicable scenario in this case; landscape open space area there is some site landscaping and then there is the promenade or paseo, and the water

feature, I'm sorry. Street lighting, number nine is street lighting provided and located on all streets right-of-ways; the parking garage requirements – the ground floor parking as part of a multi use building shall not front on the primary street, and this building is accessed through the alley. Item eleven is [inaudible] and is not an applicable situation in this building; the sidewalk and pedestrian access, number twelve, all buildings except access rebuildings shall have their main pedestrian entrances oriented toward adjoining streets, which is the building entirely fronting the two main streets; structural soil, I don't know Roney, have you addressed the structural soil?

Mr. Mateu: Yes, we have

Mr. Mindreau: It's a landscaping issue on how the soil is treated in paved areas around it and they've addressed that particular issue; item fourteen is windows on Mediterranean buildings; Mediterranean buildings provide minimum window casing [inaudible] and this is not an applicable situation on this building, and that's it; that's the fourteen items.

Mayor Slesnick: Wait a minute, why is that not applicable?

Mr. Mindreau: Because this building doesn't attempt or its not involved in....

Mayor Slesnick: Well, we are in a Mediterranean ordinance and this is a list of things and it refers to Mediterranean buildings, so maybe the concept was....I sat on the Board that wrote and adopted the Mediterranean ordinance, but I have to tell you since it was twenty something years I've forgotten any kind of background, so I cannot tell you what we meant or said or did, but as a lawyer if you refer to – if you are in the Mediterranean ordinance and it says Mediterranean windows will be, maybe that's a reference to the fact that the people writing that thought that the windows would be Mediterranean; you can interpret it that way, I'm just making the point.

Commissioner Anderson: But the level one is just reference to any architectural...

Mr. Mindreau: In any case there are more than four inch relieves in most of the fenestrations in the two primary elevations because you have the screens of one side and then the depth of the window and the window glazing on the other side, so you want to look at technicality perhaps technically you can say it complies with that.

Mayor Slesnick: That's the twelve? That's it?

Mr. Mindreau: That's it.

Mayor Slesnick: Thank you, I appreciate it Carlos.

Commissioner Withers: I think the rub here is when we pass this MDX we were hoping that we could keep people from bringing lots together in the central business district, putting together that two hundred plus footage and keep them from going, hopefully keep them from going thirteen stories or twelve stories or whatever, sixteen stories with Mediterranean bonuses. I think where we have the MDX passing by on the other side of Ponce, outside the business district

where they would have been limited to eight stories in the first place; you know, the whole idea was allowing these [inaudible] developments so staff could get in and negotiate with owners and developers and bring down heights.

Commissioner Anderson: I'm not following you Chip.

Commissioner Withers: When I voted to remove the twenty thousand foot to ten thousand, I think that was the....wasn't that the...

Commissioner Anderson: Yes, but there was confusion at that time, I think it was just for the MDX, I had the same thought, that was going to come up later with the north Ponce study if I'm not mistaken.

Commissioner Withers: It was going to come up with the north Ponce study, we've talked about that....Eric referred to as...

Commissioner Anderson: This was a test case.

Commissioner Withers: And what I'm saying is if this was in the central business district, I would have had a different perspective because I would have said, you know, this developer has not reached out and tried to add in another what?- twenty-five thousand – some initial footage on the front to allow them to go sixteen stories, and they are allowed to build eight stories, and they are building eight stories, and they wouldn't have been able to build eight stories on what millage was asked a minute ago, you'd been limited to three stories.

Vice Mayor Kerdyk: You'd have been three stories.

Commissioner Anderson: Well, you could take bonuses away, but that's a thought, but the reality is I would you rather have a building the size of – a larger size footprint, I'd rather have a smaller size footprint.

Mayor Slesnick: You are absolutely right as far as....

Commissioner Anderson: I guess that's where I'm a little confused.

Mayor Slesnick: But I would agree, if you didn't want to encourage sixteen story buildings...

Commissioner Anderson: Exactly.

Mayor Slesnick: ...but I think the point was on a smaller piece you get a small building.

Commissioner Anderson: Well, we gave bonuses though, that's allowed by the thing that we approved in the Mediterranean ordinance, level one, level two; that's what we did have.

Mayor Slesnick: The bonus here is point two; I think the MDX is what we really gave...

Commissioner Anderson: MDX right.

Mayor Slesnick: ...thirteen thousand square feet, that's what we really gave.

Commissioner Withers: That was a huge....but if it would have been in the central business district it would be different, but its outside the central business district and I think that's where the rub comes, at least in my mind, I don't know how the rest of you feel.

Commissioner Anderson: I don't have any problem with it at all, from my perspective, just from my perspective.

Commissioner Withers: There's not much we can do about it; but I mean, Bill do you agree with it essentially?

Vice Mayor Kerdyk: Here's how I feel; I feel first of all the applicant has to be looked at differently than looking at the whole ordinance again because he is under the rules